

REMARKS

Claims 1-9 and 11-16 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-9, 11 and 12, allegedly drawn to an ultrasonic transmitter, classified in class 367, subclass 138; and

Group II, claims 13-16, allegedly drawn to a method for controlling the transmission of an ultrasonic signal, classified in class 600, subclass 447.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-9, 11 and 12.

Applicants submit that the Examiner has failed to establish a *prima facie* case of restrictability, and fails to provide any evidence for the allegation that the inventions are mutually exclusive. Applicants submit that there would be no serious burden to examine the claims from Group I and Group II together.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

☐ Attached is a Petition for Extension of Time.

☐ Attached hereto is the fee transmittal listing the required fees.


Application No.: 10/720,226

Docket No.: 0757-0280P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 20, 2006

Respectfully submitted,

By 
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant